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## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: December 1, 2004 Name: Gregory H. Zavia - Reg. No. 48,059 Signature: Gregory Zavia

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Yasuyuki Kawashima

Appln. No.: 10/821,732

Filed: April 8, 2004

For: Methods for Measuring Bacteria, Bacteria Measuring Apparatuses, and Storage Media for Storing Computer-Executable Programs for Analyzing Bacteria

Attorney Docket No: 11333/38

Examiner: To be assigned

Art Unit: 1651

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- Transmittal Letter (in duplicate); First Supplemental Information Disclosure Statement; Form PTO-1449; Copy of European Search Report; and Copy of One (1) Cited Reference (B1)
- Return Receipt Postcard

## Fee calculation:

- No additional fee is required.
- Small Entity.
- An extension fee in an amount of \$ \_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- A petition or processing fee in an amount of \$ \_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_\_).
- An additional filing fee has been calculated as shown below:

						Small Entity		Not a Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x \$9=			x \$18=	
Indep.		Minus				x 44=			x \$88=	
First Presentation of Multiple Dep. Claim						+\$150=			+\$300=	
						Total	\$		Total	\$

## Fee payment:

- A check in the amount of \$ \_\_\_\_\_ is enclosed.
- Please charge Deposit Account No. 23-1925 in the amount of \$ \_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- Payment by credit card in the amount of \$ \_\_\_\_\_. (Form PTO-2038 is attached).
- The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

December 1, 2004  
Date

Gregory Zavia  
Grégory H. Zavia (Reg. No. 48,059)



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on December 1, 2004

Date of Deposit

Gregory H. Zayia – Reg. No. 48,059

Name of applicant, assignee or  
Registered Representative

Gregory Zayia

Signature

December 1, 2004

Date of Signature

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## FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(b), Applicant hereby cites reference B1 listed on the attached Form PTO-1449.

Applicant is enclosing a copy of the listed reference in accordance with 37 CFR §1.98(a)(2). Inasmuch as the listed reference is in English, no further commentary is believed to be necessary in accordance with 37 CFR §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the listed reference and entry thereof into the record of this application.

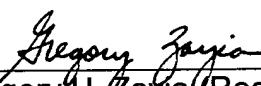
By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that the enclosed reference, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

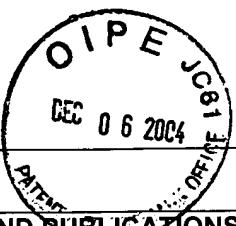
In accordance with 37 CFR §1.97(e), Applicant certifies that the item of information identified on the attached Form PTO-1449 was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Statement. In evidence thereof, a copy of the European Search Report is enclosed.

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

December 1, 2004  
Date

  
\_\_\_\_\_  
Gregory H. Zayla (Reg. No.48,059)



FORM PTO-1449	SERIAL NO. 10/821,732	CASE NO. 11333/38
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE April 8, 2004	GROUP ART UNIT 1651
(use several sheets if necessary)	APPLICANT(S): Yasuyuki Kawashima	

## **REFERENCE DESIGNATION**

## **U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B1	EP 1 203 825 A2	05/08/2002	Europe		No

**EXAMINER  
INITIAL**

#### **OTHER ART – NON PATENT LITERATURE DOCUMENTS**

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;  
Draw line through citation if not in conformance and not considered. Include copy of this form with next  
communication to applicant.